IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 17035 of 2004

Between:

1 M. Naraiah S/o. Simhaiah, 11-5-45/3/3B, Road No.8, Venkateswara Colony, Saroornagar, Hyd-500 035.
2 K. Narayana Raju S/o. Venkata Raju,Qr. No. C2 16, Near G.M. Office, Bellampalli, Adilabad District.
3 Samboji Narsaiah S/o. Bhoomaiah, Bellampalli, Adilabad District.
4 Uppala Ramaswamy S/o. Muthyalu,
Qr. No. D 356, Budidigaddabasti, Bellampalli, Adilabad District.

..... PETITIONERS

AND

1 The Regional Commissioner, Coal Mines Provident Fund,
Kakatiya Gest House, Godavari Khani, 505 202.
2 The Colliery Manager, Shanti Khani, Singareni collieries Company Ltd., Bellampalli, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue Writ, or Order, or Direction especially in the nature of Writ of Mandamus declaring the action of the respondents, in not sanctioning the pension to the petitioners under the provisions of the coal Mines Pension Scheme, 1998 framed under the provisions of the Coal Mines Provident Fund, Act, 1948 in spite of their representations dt. 21.8.2004 and seeking direction to the respondents to consider their representations and sanction the pension to them, and pass.

Counsel for the Petitioner:MR.R.N.REDDY

Counsel for the Respondent No.1: MR.G.SATISH REDDY

Counsel for the Respondent No.2: MR. K. SRINIVAS MURTHY

The Court at the stage of admission made the following :

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 17035 of 2004

ORDER:

The petitioners are retired employees of the 2nd respondent-company. They retired from service in the year 1997 and 1998. They contend that while in service, they were members of Coal Mines Provident Fund under the provisions of the Act. After retirement, they approached the 2nd respondent for settlement of provident fund and pension. They were paid provident fund, but the pension was not granted to them. The 2nd respondent forwarded their option forms under the provisions of the scheme through a letter dated 7.11.2003 to the 1st respondent, with a request to accept them. But, the 1st respondent returned those papers through a letter dated 13.2.2004 stating that they were not received within the stipulated time. The petitioners further submit that as per the letter of the 2nd respondent dated 9.12.2003, it was clarified that they approached the 2nd respondent in time, but the optional forms were not forwarded to the 1st respondent in time due to some misunderstandings. The 1st respondent, without referring the said letter, returned the option forms through the letter dated 13.2.2004. After return of the option forms, the petitioners submitted representations individually to the 1st respondent to reconsider the whole issue. But, so far they did not receive any reply from the 1st respondent. Therefore, they approached this Court seeking a direction to the respondents to consider their representations and sanction pension to them.

The petitioners are claiming that they are entitled to the pension as per the Coal Mines Pension scheme, 1998 and they are also contending that they presented the option forms to the 2nd respondent in time. They further contend that they submitted representations to the 1st respondent on 21.8.2004 to reconsider the issue and sanction pension to them.

Having regard to the facts and circumstances explained by the petitioners, the 1st respondent is directed to pass appropriate orders on the representation of the petitioners dated 21.8.2004 regarding their request for reconsideration of the issue and for release of pension, within eight weeks from the date of receipt of copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

22nd September, 2004

Nn.

Copies to:

1 The Regional Commissioner, Coal Mines Provident Fund,
Kakatiya Gest House, Godavari Khani, 505 202.
2 The Colliery Manager, Shanti Khani, Singareni collieries Company Ltd., Bellampalli, Adilabad District.

3. Two C.D. copies.